

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**FILED
CLERK**

3/31/2015 11:15 am

-----X
PALCO TELECOM SERVICE, INC.,

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

Plaintiff,

ADOPTION ORDER
14-cv-4818 (ADS)(SIL)

-against-

GLOBAL WARRANTY GROUP, LLC,

Defendant.

-----X
APPEARANCES:

Nicoletti, Hornig & Sweeney

Attorneys for the Plaintiff

Wall Street Plaza

88 Pine Street, 7th Floor

New York, NY 10005

By: William M. Fennell, Esq.

John A.V. Nicoletti, Esq., Of Counsel

NO APPEARANCE:

The Defendant

SPATT, District Judge.

On August 13, 2014, the Plaintiff Palco Telecom Service, Inc. (the "Plaintiff") commenced this action for breach of contract and *quantum meruit* recovery against the Defendant Global Warranty Group, LLC (the "Defendant").

On September 10, 2014, the Clerk of the Court noted the default of the Defendant.

On September 12, 2014, the Plaintiff moved pursuant to Federal Rule of Civil Procedure 55(b) and Local Civil Rule 55.2 for a default judgment against the Defendant.

On September 17, 2014, the Court referred this matter to United States Magistrate Judge Steven I. Locke for a recommendation as to whether the motion for a default judgment should be

granted, and if so, whether damages should be awarded, including reasonable attorneys' fees and costs.

On February 5, 2015, Judge Locke issued a Report recommending that the motion for a default judgment be granted, but no award of damages issue at this time. Judge Locke further recommended that the Plaintiff be granted leave to present sufficient additional evidence of compensatory and related damages.

More than fourteen days have elapsed since service of the February 5, 2015 Report and Recommendation, and neither party has filed an objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the February 5, 2015 Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result.

Accordingly, the February 5, 2015 Report and Recommendation is adopted in its entirety, and the Plaintiff's motion for a default judgment is granted, but no award of damages is issued at this time. The Plaintiff is granted leave to present sufficient additional evidence of compensatory and related damages within 30 days of the date of this order. The Clerk of the Court is respectfully directed to enter partial judgment in favor of the Plaintiff in accordance with this Order.

SO ORDERED.

Dated: Central Islip, New York
March 31, 2015

Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge